

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 568 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE R.BALIA.

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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MAHADEVBHAI S DESAI

Versus

VIRAMGAM MUNICIPALITY

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Appearance:

MR SA DESAI for Petitioner  
MR MB FAROOQUI for Respondent No. 1  
SERVED for Respondent No. 2

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CORAM : MR.JUSTICE R.BALIA.  
Date of decision: 25/04/96

ORAL JUDGEMENT

Rule. Service of rule is waived. The petitioner claims to be the person doing business in a cabin at Municipality land within Municipal limit of Viramgam from which he removed his cabin voluntarily on receiving the notice of apprehended action either to vacate or save the demolition or removal of the cabin in 1988. The grievance in the present case is that Municipality having framed scheme for rehabilitating the persons whose cabins have been removed from the earlier places, the petitioner

being similarly situated person should be treated at par with other cabin holders in terms of directions given by this Court in Special Civil Application Nos. 7098 to 7109, 7223 and 7224 of 1995.

2. The decisions in Special Civil Application No. 316/96 dated 15th March, 1996 have been brought to my notice. The Court has made following observations :-

" It is expected that the treatment which the municipality had offered to persons who had come before this Court in the said petitions will be offered to the similarly situated persons without compelling them to come to this Court as it is the constitutional obligation of the local authority to treat all persons situated alike in the like manner. With the aforesaid observations, petition stands disposed of. No order as to costs."

3. As per the reply filed by the Municipality, their case is not different from one in Special Civil Application No. 316/96 the petitioner is entitled to same relief. Accordingly this petition is also disposed of with the aforesaid observations.

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